

STATE OF IOWA  
DEPARTMENT OF COMMERCE  
UTILITIES BOARD

IN RE:  CRYSTAL COMMUNICATIONS, INC., d/b/a HICKORYTECH	DOCKET NOS. TCU-00-53 WRU-03-27-3090
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**ORDER APPROVING JOINT PROPOSAL AND GRANTING WAIVER**

(Issued June 16, 2003)

On April 3, 2003, Crystal Communications, Inc., d/b/a HickoryTech (HickoryTech) filed with the Utilities Board (Board) a request to terminate its resale service in all of its Iowa exchanges except the Waukee exchange. HickoryTech states that approximately 1,006 customers will be affected by the withdrawal of its resale service in those exchanges.

On May 29, 2003, the Board issued an "Order Suspending Proceedings and Requesting Joint Proposal." In that order, the Board directed HickoryTech and Qwest Corporation (Qwest) to submit a joint proposal describing the implementation of the transfer of some current HickoryTech customers to Qwest upon termination of HickoryTech's resale services in all of its Iowa exchanges except the Waukee exchange. The Board also noted that HickoryTech should seek a waiver of 199 IAC 22.23(2) regarding individual customer verification rules for unauthorized changes in telecommunications services.

On June 3, 2003, HickoryTech filed a request for a waiver of 199 IAC 22.23(2). On June 4, 2003, HickoryTech and Qwest filed a joint proposal pursuant to the Board's May 29, 2003, order.

The Board has reviewed the parties' joint proposal and finds that it sufficiently describes the implementation of the transfer of the affected HickoryTech customers to Qwest, if the customers do not choose a different local exchange carrier. Attached to the joint proposal was a proposed form letter that would be sent to notify all of HickoryTech's affected customers. The notice informs affected customers that they will have 30 calendar days to select an alternative provider or they will be automatically transferred to Qwest, if the customer meets Qwest's credit policies. Qwest has agreed that any HickoryTech customers transferred to Qwest shall retain all current HickoryTech products and features at Qwest rates. The notice appears to provide the affected customers with the necessary information regarding the transfer of services and will be approved.

HickoryTech also requested a waiver of 199 IAC 22.23(2) regarding individual customer verification rules for unauthorized changes in telecommunications services. The waiver request has been identified as Docket No. WRU-03-27-3090.

In support of its request, Hickory Tech states that the termination of its resale services in certain exchanges would affect approximately 1,006 customers. Hickory Tech states that the customers will be provided notice and given the opportunity to select an alternate provider.

To grant the waiver, the Board must find, based upon clear and convincing evidence, that the request meets the four criteria in 199 IAC 1.3. The four criteria are: 1) the application of the rule would cause undue hardship, 2) the waiver would not prejudice the substantial legal rights of any person, 3) the provisions of the rule are not specifically mandated by statute, and 4) substantially equal protection of public health, safety, and welfare will be afforded by a means other than prescribed by the rule.

The Board finds that a waiver of 199 IAC 22.23(2) should be granted based on the Board's review of the information provided by HickoryTech. The Board finds that it would be an undue hardship for HickoryTech to obtain over 1,000 individual authorization verifications. The Board also finds that the waiver will not affect the substantial legal rights of any person and that equal protection of the public health, safety, and welfare have been afforded since all of HickoryTech's customers will receive notice of the termination and will be afforded an opportunity to select an alternate provider if they choose to do so.

**IT IS THEREFORE ORDERED:**

1. The joint proposal filed by Crystal Communications, Inc., d/b/a .HickoryTech and Qwest Corporation on June 4, 2003, pursuant to the Board's May 29, 2003, order, is approved.

2. The waiver request filed by Crystal Communications, Inc., d/b/a HickoryTech on June 3, 2003, is granted. The verification requirement of

199 IAC 22.23(2) for unauthorized changes in telecommunications service is waived, as described in the body of this order.

3. Crystal Communications, Inc., d/b/a HickoryTech shall file a tariff revision to reflect any appropriate changes at the same time it sends the notice to its affected customers.

**UTILITIES BOARD**

/s/ Diane Munns

/s/ Mark O. Lambert

ATTEST:

/s/ Judi K. Cooper  
Executive Secretary

/s/ Elliott Smith

Dated at Des Moines, Iowa, this 16<sup>th</sup> day of June, 2003.